

(Rev. 11/2012)

MOTION UNDER 28 U.S.C. § 2255 TO  
PERSON

1:23-cv-1232

Paul L. Maloney  
U.S. District JudgeFILED - KZ  
November 27, 2023 10:44 AM  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
mg Scanned by mg 11/27/23

United States District Court	District <u>WESTERN DISTRICT OF MICHIGAN</u>
Name (under which you were convicted): <u>Gates Trevon Marquise</u>	Docket or Case No.: <u>1:19-CR-00157</u>
Place of Confinement: <u>FBoP</u>	Prisoner No.: <u>22612-040</u>
UNITED STATES OF AMERICA	Movant ( <u>include</u> name under which convicted)
v. <u>GATES TREVON MARQUISE</u>	

## MOTION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: US DISTRICTCOURT, 107 FEDERAL Bldg, 410 WEST MICHIGAN AVE  
KALAMAZOO, MI. 49007(b) Criminal docket or case number: 1:19-CR-001572. (a) Date of the judgment of conviction: 10-30-2020(b) Date of sentencing: 10-30-2020

3. Identify all counts and crimes for which you were convicted and sentenced in this case:

Count 1 21 u.s.c 846, 841(A)(1), 8 (B)(1)(A)(VIII)Count 4 18 u.s.c 924(c)(1)(A)(I)4. Length of sentence for each count or crime for which you were convicted in this case: 120 MONTHS FORCount 1 21; 846, 841(A)(1), 60 MONTHS FOR COUNT 4  
18; 924(c)(1)(A)(I)

5. (a) What was your plea?

Not guilty

Guilty

Nolo contendere (no contest)

(b) If you entered a guilty plea to one count or charge, and a not guilty plea to another count or charge, give details:

6. If you went to trial, what kind of trial did you have? (Check one)

- (a) Jury
- (b) Judge only

7. Did you testify at the trial? Yes  No

8. Did you appeal from the judgment of conviction? Yes  No

9. If you did appeal, answer the following:

(a) Date you filed: ARGUED ON 12-7-21 FILED ON 9-6-22

(b) Name of court: DISTRICT COURT FOR WESTERN DISTRICT OF MICHIGAN AT GRAND RAPIDS

(c) Docket or case number: 1:19-CR-00157

(d) Result: VACATE & REMAND

(e) Date of result: 9-6-2022 RESENTENCED ON 12-19-22

(f) Grounds raised: District court must begin their Analysis with the guidelines and remain cognizant of them throughout the sentencing process. The failure to calculate the guideline range renders a sentence procedurally unreasonable.

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes  No

If "Yes," answer the following:

(1) Date you filed: \_\_\_\_\_

(2) Docket or case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

11. If your answer to Question 10 was "Yes," give the following information: Yes  No

(a) (1) Date you filed: \_\_\_\_\_

(2) Name of court: \_\_\_\_\_

(3) Docket or case number (if you know): \_\_\_\_\_

(4) Date of filing (if you know): \_\_\_\_\_

(5) Nature of the proceeding: \_\_\_\_\_

(6) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes  No

(8) Result: \_\_\_\_\_

(9) Date of result: \_\_\_\_\_

(b) If you filed any second motion, petition, or application, give the same information:

(1) Date you filed: \_\_\_\_\_

(2) Name of court: \_\_\_\_\_

(3) Docket or case number (if you know): \_\_\_\_\_

(4) Date of filing (if you know): \_\_\_\_\_

(5) Nature of the proceeding: \_\_\_\_\_

(6) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes  No

(8) Result: \_\_\_\_\_

(9) Date of result : \_\_\_\_\_

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes  No

(2) Second petition: Yes  No

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

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12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** \_\_\_\_\_

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes  No   
(2) If you did not raise this issue in your direct appeal, explain why: Was coerced To take a

Plea at Trial. Had no real family support or lawyer support. Kept  
telling me I was going to get 31 years was forced to plea

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition or application? Yes  No

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Date motion was filed: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_

Date of result: \_\_\_\_\_

(3) Did you receive a hearing on your motion? Yes  No

(4) Did you appeal from the denial of your motion, petition or application? Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal? Yes  No

If yes, answer the following:

Date you filed: \_\_\_\_\_

Name of court where the appeal was filed : \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available) : \_\_\_\_\_

Date of result: \_\_\_\_\_

**GROUND TWO:** \_\_\_\_\_

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_

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(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: Was coerced to take a Plea at Trial. Had no real family support or lawyer support. Kept telling me I was going to get 32 years if I don't Plea was forced to Plea.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition or application? Yes  No

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Date motion was filed: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_

Date of result: \_\_\_\_\_

(3) Did you receive a hearing on your motion? Yes  No

(4) Did you appeal from the denial of your motion, petition or application? Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal? Yes  No

If yes, answer the following:

Date you filed: \_\_\_\_\_

Name of court where the appeal was filed: \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_

Date of result: \_\_\_\_\_

GROUND THREE: \_\_\_\_\_

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_

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**(b) Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes  No

(2) If you did not raise this issue in your direct appeal, explain why:  
\_\_\_\_\_  
\_\_\_\_\_

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition or application? Yes  No

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Date motion was filed: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_

Date of result: \_\_\_\_\_

(3) Did you receive a hearing on your motion? Yes  No

(4) Did you appeal from the denial of your motion, petition or application? Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal? Yes  No

If yes, answer the following:

Date you filed: \_\_\_\_\_

Name of court where the appeal was filed : \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available) : \_\_\_\_\_

Date of result: \_\_\_\_\_

**GROUND FOUR:** \_\_\_\_\_

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes  No

(2) If you did not raise this issue in your direct appeal, explain why:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition or application? Yes  No

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Date motion was filed: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of result: \_\_\_\_\_

(3) Did you receive a hearing on your motion? Yes  No

(4) Did you appeal from the denial of your motion, petition or application? Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal? Yes  No

If yes, answer the following:

Date you filed: \_\_\_\_\_

Name of court where the appeal was filed : \_\_\_\_\_

Docket or case number: \_\_\_\_\_

Result (attach a copy of the court's opinion and order, if available) : \_\_\_\_\_  
\_\_\_\_\_

Date of result: \_\_\_\_\_

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, state which ground or grounds have not been presented and your reasons for not presenting them:

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14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes  No

If "Yes," state the date of filing, the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

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15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: \_\_\_\_\_  
\_\_\_\_\_

(b) At arraignment and plea: Scotia Graham

(c) At trial: JOSHUA A. BIANCHARD

(d) At sentencing: JOSHUA A. BIANCHARD

(e) On appeal: JOSHUA A. BIANCHARD

(f) In any post-conviction proceeding: \_\_\_\_\_

(g) On appeal from any ruling against you in a post-conviction proceeding: \_\_\_\_\_

16. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?  
Yes  No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: \_\_\_\_\_

(b) Give the date the other sentence was imposed: \_\_\_\_\_

(c) Give the length of the other sentence: \_\_\_\_\_

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes  No

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

I AM IN TIME. THANKYOU.

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of--  
(1) the date on which the judgment of conviction became final;  
(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;  
(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or  
(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant him or her the relief to which he or she may be entitled in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct and that this Motion Under § 2255 was placed in the prison mailing system on \_\_\_\_\_ (month, date, year).

GATES TREVON MARQUISE  
Signature of Movant

11-14-23  
Date

\_\_\_\_\_  
Signature of Attorney (if any)

If the person signing is not movant or an attorney, state relationship to movant and explain why movant is not signing this petition.  
\_\_\_\_\_  
\_\_\_\_\_

United States Penitentiary Big Sandy  
P.O. Box 2063  
Inez Ky. 41224



Clerk U.S.

District Court 107

Federal Bldg. 410 W. Michigan Ave.

Kalamazoo MI 49007